

REMARKS

Claims 1-36 are pending in the present application. Claims 1-11 and 26-36 are withdrawn from consideration. The specification was objected to as having a non descriptive title in light of the previous restriction requirement. Claim 20 was rejected under 35 USC 112, second paragraph as being indefinite. Claims 18, 20 and 22 were rejected under 35 USC 112, second paragraph as having insufficient antecedent basis for a number of their terms. Claims 12, 13 and 16-18 were rejected under 35 USC 102(e) as being anticipated by Spiegel et al. (US 2005/0217109). Claims 14 and 15 were rejected under 35 USC 103(a) as being unpatentable over Spiegel et al. in view of Makoto et al. JP (61135434). Claims 19 and 20 Spiegel in view of Good (US 3,210,223). Claims 21-23 were rejected under 35 USC 103(a) as being unpatentable over Spiegel in view of Haerr (US 3,025,905). Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Spiegel et al.

Claims Rejected under 35 USC 112, second paragraph

Claim 20 was rejected under 35 USC 112, second paragraph as being indefinite. Claims 18, 20 and 22 were rejected under 35 USC 112, second paragraph as having insufficient antecedent basis for a number of their terms. The Applicant submits that the attached amendments have removed and indefiniteness issues as well as provided sufficient antecedent basis for the identified terms. Reconsideration is requested.

Claims Rejected under 35 USC 102(e)

Claims 12, 13 and 16-18 were rejected under 35 USC 102(e) as being anticipated by Spiegel et al. (US 2005/0217109). The Applicant respectfully traverses the rejection and seeks reconsideration in light of the attached amendments and the following arguments. The Examiner asserts that "locally heating the tubular shaft" does not preclude heating the entire camshaft tube as described in Spiegel. The Applicant traverses this assertion. The term "locally heating" within the industry would be well

understood as to mean heating only a localized area. Otherwise the adjective "locally" would have no meaning at all and it is discouraged to interpret claims in a way that makes elements become meaningless. In a similar example, one need only consider the term "locally" as it is commonly used. A "local" celebrity directly indicates local only otherwise the description becomes "nationally". Similarly, locally heating cannot encompass heating the entire camshaft tube or it would cease to be locally heating. The Applicant has respectfully amended the claims to clarify this distinction. The Applicant further notes that the cited reference of Spiegel by the Examiner clearly recites "Pressing may occur when the tube is hot or cold". This is clearly indicative of complete tube heating (or complete tube cold nature) as distinct from the recited limitation of only localized heating. This is clearly an entirely different process. Reconsideration is requested in light of the amendments and the preceding arguments.

Furthermore, the Applicant traverses the assertion that the Spiegel reference teaches hot-forming as distinctly claimed by the present invention. The Examiner's reference to the Figure 2 and lines 31-34 of paragraph [19] of the Spiegel reference at most refer to heating the tube in general. Hot forming has an exact meaning in the art with regard to a level of temperature wherein there are changes in structure and loss of stress between the shaft longitudinal regions and the cams. A mere recitation of the tube being hot or cold fails to rise to the level of anticipation of the clearly claimed "hot forming". Reconsideration is requested.

Claims Rejected under 35 USC 103(a)

Claims 14 and 15 were rejected under 35 USC 103(a) as being unpatentable over Spiegel et al. in view of Makoto et al. JP (61135434). The Applicant reiterates the arguments with respect to the inadequacy of Spiegel as an underlying reference. In addition, Makoto merely teaches making a built up camshaft by applying internal hydraulic pressure to a tube with slide on cams. Neither reference, either alone or in

combination, teaches the claimed limitation wherein internal pressure is applied in the longitudinal region of the at least one cam only. Reconsideration is requested.

Claims 19 and 20 Spiegel in view of Good (US 3,210,223). Again, the Applicant reiterates the failures of Spiegel to teach the underlying limitations of the present invention. In addition, Good merely refers to a method of keeping a shaft aligned while heat treating. There is no relation to the methods claimed in claims 19 and 20 wherein locally deforming a tube in hot forming steps and bending the tube in a way such that during cooling the hot deformed portions of the tube aligned at serve. This is not taught by either reference alone or in combination. Therefore, reconsideration is requested.

Claims 21-23 were rejected under 35 USC 103(a) as being unpatentable over Spiegel in view of Haerr (US 3,025,905). Again the Applicant incorporates the above deficiencies of Spiegel herein by reference. In addition, the Applicant asserts the Examiner is mistaken when he suggest that the resistance heating elements might be implied into the tools shown and described within the Haerr reference. The present application within these claims positively claims the tube itself becomes a resistance heating element. There is no even mere suggestion within either Spiegel or Haerr to use deformation tools as electrodes for resistance heating of the tube to be deformed. Therefore, the Applicant asserts the rejection is in error and reconsideration is requested.

Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Spiegel et al. Again, the Applicant incorporates the arguments regarding both the amendments and the inadequacy of the Spiegel reference to teach the underlying limitations of the claimed invention. In this light reconsideration of claim 24 is further required.

The Applicant believes all claims to be in present condition for allowance.

The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 433-7221 if any unresolved matters remain with respect to this Response.

Respectfully submitted,

DICKINSON WRIGHT PLLC



Thomas E. Donohue, Reg. No. 44,660
38525 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304-5092
(248) 433-7200 (Main)
(248) 433-7221 (Direct)
(248) 433-7274 (Fax)

Dated: October 14, 2008